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RUEAIIA/CIA WASHDC PRIORITY
RHEFDIA/DIA WASHDC PRIORITY
RUEKJCS/JOINT STAFF WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY
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SUBJECT: INL-FUNDED IPR ENFORCEMENT TRAINING FOR
TURKMEN OFFICIALS

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11. (U) Sensitive but unclassified. Not for public Internet.

12. (SBU) SUMMARY: Five Turkmen Government officials participated in an INL-funded General Intellectual Property Rights (IPR) Enforcement Program in Alexandria, VA from December 1-4. Delegation members also met with INL Deputy Assistant Secretary Elizabeth Verville and visited a federal district court. During the four-day training seminar at the Global Intellectual Property Academy (GIPA), Turkmen attendees listened to presentations on IPR border enforcement, investigation and prosecution of IPR crimes, and copyright industry trends. Participants were excited about learning U.S. experience in enforcing IPR and engaged into discussions with the trainers and participants from other CIS countries. END SUMMARY.

13. (SBU) BACKGROUND: In September 2007, the Embassy and the Turkmen government signed the second Amendment to the Letter of Agreement (LOA) on Narcotics Control and Law Enforcement Assistance. The amendment included provisions for a new intellectual property rights (IPR) project. Its goals were to raise awareness about IPR protection and violations among legislative and law enforcement agencies; to increase understanding about relevant international standards; and to encourage more effective IPR legislation and law enforcement in Turkmenistan. It was designed to develop the skills of police, State Customs Service, prosecutors, judges, and other law enforcement officials to protect IPR, including preventing the transshipment of pirated and counterfeit goods. END BACKGROUND.

14. (SBU) The five officials included the head of the

Department for General Monitoring of the Prosecutor General's Office, the head of the Department for Combating Economic Crimes, Chief of the Customs Point "Beyik Serdar Yoly" (located on the Turkmen - Iranian Border), the head of the Patent Department at the Ministry of Economics and Development and a judge of the Supreme Court. This was the first engagement of Turkmen officials in an IPR-related activity since the adoption in November 2008 of two relevant Turkmen laws: One on inventions and industrial designs and another on trade and service marks and places of origin.

15. (SBU) As a part of the program, on November 30, the officials met with INL DAS Elizabeth Verville. They discussed IPR-related laws in Turkmenistan and IPR trends in the region. The participants noted that Turkmenistan's IPR-related issues are thus far limited to trade in counterfeit products such as audio and video systems, computer equipment, software, textile, food, alcohol, toys and pirated DVDs. The majority of the counterfeit goods are imported from China, Thailand, Russia, Uzbekistan, and Turkey. Implementing the IPR laws has been slow, due to a lack of skills, expertise, resources, and training. The Turkmen officials admitted that the concept of intellectual property rights is new to the region. There have been no prosecutions thus far for IPR violations in Turkmenistan. The officials also pointed out that Turkmenistan does not have the problem of internal counterfeit production, nor has there been any internal unlicensed production of either international or domestic brands. The Turkmen

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prosecutor in the delegation said that IPR is an issue of concern to them, particularly as it concerns national textile products intended for export. At the end of the meeting, the delegation thanked DAS Verville and the INL Bureau for organizing the visit and the opportunity given for them to attend the training and learn from the experiences of U.S. experts in the field.

16. (SBU) During the four-day training seminar, held at the Global Intellectual Property Academy (GIPA), Turkmen attendees, together with counterparts from Russia, Ukraine and Azerbaijan, heard presentations on "Patents, trademarks and copyrights", "The role of the World Intellectual Property Organization in IPR enforcement", "Border enforcement of IPR and the U.S. legal system," "Targeting counterfeit and pirated goods", "Investigating IP crimes", "Enforcing IPR through criminal prosecution", "IPR crimes in digital environment", and "The copyright industry's perspective". Presentations on IPR border enforcement and investigations were of particular interest to the Turkmen participants. The representative from State Customs Service was interested in learning more about IPR enforcement procedures concerning non-commercial imports (for instance, items brought in for exhibitions or trade shows) as well as perishable goods (food). The representative from the General Prosecutor's office was interested in learning the procedures undertaken when a citizen reports on identified counterfeit products in the market. The official from the Ministry of Interior asked about the sources and amounts of funding designated to U.S. law enforcement for IPR protection.

17. (SBU) Besides the classroom presentations, GIPA also organized a visit to the U.S. District Court for the Eastern District of Virginia. The Turkmen officials were surprised to learn that U.S. judges are appointed for life, compared to the Turkmen system, where every judge is appointed by the President for a

five-year term, and eligible for re-appointment. They also asked the judge about his role in granting pardons, and were eager to tell about the general amnesties granted regularly by the Turkmen President on the eve of national holidays in Turkmenistan. It was also surprising for Turkmen officials to find out that fraud victims normally receive no restitution from the state, explaining that in Turkmenistan, victim restitution is mandatory, and that perpetrators are liable for compensating victims' losses.

18. (SBU) The Turkmen participants were active, attended all presentations, often asked questions and engaged in the discussions. The most interesting discussion was during the last presentation of the seminar given by an attorney from International Intellectual Property Alliance (IIPA). When the IIPA attorney attempted to criticize Turkmenistan for not meeting international legal norms and lacking copyright and related IPR laws, a representative from Turkmen patent office explained that although there was no separate copyright law in Turkmenistan, the Civil Code contains sufficient amendments to protect copyrights. He also noted that Turkmenistan has adopted two laws on inventions and on trademarks, of which the IIPA attorney was not aware. Additionally, it was also acknowledged that Turkmenistan is planning to accede to both the Bern Convention and the Geneva Phonograms Convention in 2010. So far, over 30,000

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international and local trademarks have been officially registered with the Patent Office of Turkmenistan.

19. (SBU) COMMENT: The concept of intellectual property rights is relatively new to Turkmen law enforcement officials and as a result, there have been no IPR prosecutions to date. Since the applicable laws were signed by the president, Turkmen officials feel accountable for their implementation and are thus eager to initiate IPR cases. INL will continue to work with the Turkmen on IPR issues. The next step of the project will entail bringing GIPA experts to Turkmenistan to train a much broader audience on IPR enforcement. END COMMENT.

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